

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

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SANDRA M. PETERS, on behalf of  
herself and all others similarly  
situated,

Plaintiff,

v.

AETNA INC., AETNA LIFE  
INSURANCE COMPANY, and  
OPTUMHEALTH CARE SOLUTIONS,  
INC.,

Defendants.

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Case No. 1:15-cv-00109-MR

**PLAINTIFF’S RESPONSE TO  
OPTUM’S STATUS REPORT**

On Friday night, December 6, Optum filed its Status Report (the “Status Report”). *See* Doc. 314. Optum requests the opportunity to file a summary judgment motion. At the April 2024 status conference, the Court considered and denied this exact request.

When Optum conferred with Plaintiff’s counsel in advance of its Friday filing, Optum’s counsel represented that its filing stated that it would work on with Class Counsel on a schedule for the case going forward, and asked for Plaintiff’s position on Optum’s renewal of its previously rejected request for an opportunity to file a

summary judgment motion.<sup>1</sup> But Optum counsel did not communicate that it intended to propose a schedule for summary judgment, confer with Plaintiff about that schedule, or request Plaintiff's position on its proposed schedule.

In any event, as the Court previously recognized, before any judgment is entered, notice must be sent, so that class members have an informed opportunity to decide whether to opt out.

In addition, the Status Report inappropriately blames Plaintiff's counsel for the lack of a shared understanding of the material terms that underlay all parties' joint November 6 report to the Court (Doc. 310). The statements about the substance of the parties' negotiations are inaccurate and arguably violate the confidentiality of the settlement negotiations to which the parties agreed.

For the foregoing reasons, Plaintiff respectfully requests that the Court convene a status conference before addressing Optum's request. Undersigned counsel has a one-day trial in Arkansas on Thursday, December 12, and can be available for a telephonic conference on December 13 after 12pm ET, or anytime Monday, December 16 or Tuesday, December 17.

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<sup>1</sup> Plaintiff has previously explained why the Court should reject Optum's request for to file another summary judgment motion. *See* Doc 290.

Respectfully submitted,

Dated: December 9, 2024

/s/ Andrew N. Goldfarb

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*Counsel for Plaintiff Sandra M. Peters,  
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similarly situated*

**CERTIFICATE OF SERVICE**

I certify that on December 9, 2024, I caused to be filed and served a copy of the foregoing Notice using the CM/ECF system, which will give notice to counsel of record.

/s/ David M. Wilkerson  
David M. Wilkerson